

absolute right. I hope that this amendment will be defeated.

THE CHAIRMAN: Delegate Macdonald, you desire to offer an amendment to Amendment No. 13?

DELEGATE MACDONALD: I do.

THE CHAIRMAN: "W"?

DELEGATE MACDONALD: "W".

THE CHAIRMAN: Will the pages please distribute the amendment W?

Delegate Burdette.

DELEGATE BURDETTE: Mr. Chairman, would the Chair please clear up exactly what is on the floor? Before the present Chair took his position, we had a great deal of discussion about the Willoner amendment. I cannot find it.

THE CHAIRMAN: The so-called Willoner amendment is Amendment No. 13, the one with the letter H.

DELEGATE BURDETTE: Where is the Willoner amendment?

THE CHAIRMAN: That is the so-called Willoner amendment offered by Delegate Kiefer, Amendment 13. Do you have a copy?

DELEGATE BURDETTE: I have one by Delegate Kiefer marked H.

THE CHAIRMAN: That is Amendment No. 13 which is now before you.

This will be marked 13-A to Amendment No. 13. It is offered as a substitute for Amendment No. 13.

Delegate Macdonald, your amendment is offered as a substitute for Amendment No. 13?

DELEGATE MACDONALD: That is correct, Mr. Chairman.

THE CHAIRMAN: The Clerk will read the amendment.

READING CLERK: Amendment No. 13-A to Committee Recommendation R&P-2 by Delegate Macdonald:

On page 3, section 8, Right of Removal of Civil Cases, strike out all of lines 14 through 20, inclusive, and insert in lieu thereof the following:

"In all actions at law or in equity, the action shall be removed to another county upon request of a party, except that in actions involving real property, actions in the District Court, and all ac-

tions where the request is made less than thirty days prior to trial, the action may be removed only as permitted by the Court of Appeals by rule."

THE CHAIRMAN: Amendment 13-A is submitted by Delegate Macdonald. Is there a second?

*(The motion was duly seconded.)*

THE CHAIRMAN: The amendment is seconded.

The Chair recognizes Delegate Macdonald to speak to the amendment.

DELEGATE MACDONALD: Mr. Chairman and fellow delegates, let me address myself first to Amendment 13, the Kiefer-Willoner amendment.

It does not include equity cases, as I read it, there would be no right of removal whatsoever in an equity case unless the Court of Appeals chose to grant one.

As I read it, it does not make an exception in regard to actions involving land. I do not think we want actions involving real property rights treated in the same way.

For hundreds of years actions involving real property rights have been involved in the county where the land is located, and thirdly, and this is the thing that gives me the most trouble with Amendment No. 13, it seems to be inconsistent on its face.

In line 9, it says "the Court shall." If I read just that, it indicates a case must be removed whenever the party would file an action under oath. But then the amendment goes on and says that the Court of Appeals by rule shall provide for regulation of this provision. It seems the right under Amendment No. 13 would be unqualified or you could end up where you would have no qualifying right.

We have an unqualified right of removal in the Maryland Constitution since 1875 in certain cases, namely civil cases and criminal cases where a capital offense was involved. There is some language at the end of the present constitutional provision. I am reading now from the present Constitution which says, "In regard to this unqualified right of removal and the General Assembly shall make such modification of the existing law as may be necessary to regulate and give force to this provision."

This language is so much simpler to the last sentence in Amendment No. 13. In *Barnes v. Meliski*, a decision by the Maryland Court of Appeals, the Court held that